REMARKS

By this amendment, claim 8 has been canceled. Claims 1-7 and 9-12 have been amended. Claims 1-7 and 9-12 remain in the application. Support for the amendments to the claims can be found the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is respectfully requested.

Objection to the Specification

The specification was objected to by the Examiner. Applicant respectfully declines to add headings in the specification, as they are not required in accordance with MPEP §608.01(a). In addition, minor typographical errors were noted during review of the specification and which have been corrected via the amendments to the specification herein. Accordingly, objection to the specification is now believed overcome. Withdrawal of the objection to the specification is requested.

Objections to the Claims

Claims 1-12 were objected to because of informalities. The claims have been amended herein to provide appropriate corrections. Accordingly, the objection to the claims is now believed overcome.

Rejection under 35 U.S.C. §112

Claims 1-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this amendment, claim 1 has been amended to remove the phrase "or shortly before this". Accordingly, the 35 U.S.C. § 112, second paragraph rejection of claims 1-12 is now believed overcome.

Claims 9-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this amendment, claims 9-12 have been amended to remove the phrase "can be" from the respective claims. Accordingly, the 35 U.S.C. § 112, second paragraph rejection of claims 9-12 is now believed overcome.

Rejection under 35 U.S.C. §102

Claim 1 recites an X-ray system comprising: at least one component that is displaceable or pivotable along at least one traverse path to at least one predeterminable locking position; a braking means, wherein the braking means comprises an electromagnetic brake that is (i) active in a de-energized state and (ii) released by feeding current to the electromagnetic brake; and a control unit for sensing an instantaneous speed of the component when displaced or pivoted along the traverse path within at least one predeterminable window of the traverse path, the at least one predetermined window being defined by two positions of the traverse path situated laterally from and disposed about the at least one predeterminable locking position, the at least one predeterminable window having a widthwise size selected as a function of a mass of the at least one component, the control unit further for activating the braking means in response to (i) the speed within the predeterminable window being below a predeterminable limiting value and (ii) the component having reached (a) the locking position or (b) shortly before the locking position.

Claims 1, 2, 4, 5, 7-10 and 12 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Pattee et al (US 6,470,519). With respect to claim 8, the same has been canceled herein, thus rendering the rejection thereof now moot. With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that
"[t]o anticipate a claim, the reference must teach every

element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the Pattee reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the Pattee reference, the latter reference does not disclose a braking means, wherein the braking means comprises an electromagnetic brake that is (i) active in a de-energized state and (ii) released by feeding current to the electromagnetic brake. Neither does the Pattee reference disclose a control unit for sensing an instantaneous speed of the component when displaced or pivoted along the traverse path within at least one predeterminable window of the traverse path. Neither does the Pattee reference disclose a predetermined window being defined by two positions of the traverse path situated laterally from and disposed about the at least one predeterminable locking position, the at least one predeterminable window having a widthwise size selected as a function of a mass of the at least one component.

In contrast, Pattee discloses a mechanical locking means that includes a brake tooth member employing teeth. In addition, as found in column 2, lines 16-21, of Pattee, table velocity sensing "prevents the brake from engaging while the table is moving above a threshold speed" ... and "[a] position-sensing device is also present *to prevent* table motion and warn the operator that the brake is not engaged." [Emphasis added] Furthermore, as can be understood from the embodiments of Pattee, the entire range of the table's movement does not constitute a "predetermined window being defined by two positions of the traverse path situated laterally from and disposed about the at least one predeterminable locking position, the at least one predeterminable window having a widthwise size selected as a function of a mass of the at least one component."

Therefore, the rejection is not supported by the Pattee reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Dependent claims 2, 4, 5, 7, 9-10 and 12 depend from and further limit independent claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. § 102(b) rejection thereof has now been overcome.

Rejection under 35 U.S.C. §103

Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pattee et al. as applied to claims 2 and 5 above, and further in view of Blumhofer et al (US 6,865,253). With respect to claims 3 and 6, application respectfully traverses this rejection for at least the following reasons. Dependent claims 3 and 6 depend from and further limit independent allowable claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. § 103(a) rejection thereof has now been overcome.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Pattee et al. as applied to claim 1 above, and further in view of Maehama et al (US 5,048,070). With respect to claim 11, application respectfully traverses this rejection for at least the following reasons. Dependent claim 11 depends from and further limits independent allowable claim 1 and therefore is allowable as well. Accordingly, the 35 U.S.C. § 103(a) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claim 1 is in condition for allowance. Dependent claims 2-7 and 9-12 depend from and further limit independent claim 1, and therefore are allowable as well. The amendments herein are fully supported by the original specification and drawings, therefore, no new matter is introduced. An early formal notice of allowance of claims 1-7 and 9-12 is requested.

Respectfully submitted,

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a-32658.98

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7/3/06